

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

TREMAYNE T. COOPER,

Defendant.

8:08CR343

ORDER

Defendant Tremayne T. Cooper (Cooper) appeared before the court on July 16, 2013, on the Amended Petition for Warrant or Summons for Offender Under Supervision (Amended Petition) (Filing No. 74). Cooper was represented by Justin D. Eichmann and the United States was represented by Assistant U.S. Attorney Frederick D. Franklin. Through his counsel, Cooper waived his right to a probable cause hearing on the Amended Petition pursuant to Fed. R. Crim. P. 32.1(a)(1). I find that the Amended Petition alleges probable cause and Cooper should be held to answer for a final dispositional hearing before Judge Bataillon.

The matter of detention was continued to July 19, 2013. Cooper again appeared on July 19, 2013, with his counsel Mr. Eichmann. The government was represented by Assistant U.S. Attorney Michael P. Norris. Since it is Cooper's burden under 18 U.S.C. § 3143 to establish by clear and convincing evidence that he is neither a flight risk nor a danger to the community, the court finds Cooper has failed to carry his burden and that Cooper should be detained pending a dispositional hearing before Judge Bataillon.

IT IS ORDERED:

1. A final dispositional hearing will be held before Judge Joseph F. Bataillon in Courtroom No. 3, Third Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 3:00 p.m. on September 26, 2013**. Defendant must be present in person.

2. Defendant Tremayne T. Cooper is committed to the custody of the Attorney General or his designated representative for confinement in a correctional facility;

3. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel; and

4. Upon order of a United States court or upon request of an attorney for the government, the person in charge of the corrections facility shall deliver defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 19th day of July, 2013.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge